

1909-007 Chancery Causes: Black Mountain Coal & Coke Co Inc vs. James Eldridge
Lee Co.

Parsons, Newman, Jesse, Witt, Tomlinson

2 Plats

CA - Estate Dispute
T - Property

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County:

Humbly complaining, your orators J. E. Parsons and the Black Mountain Coal & Coke Company, an Incorporation, and your oratrix, Emily Newman, an infant who sues by C. C. Newman, her husband, and next friend, would respectfully represent unto your honor, that on or about the day of April, 1888 or 1889, one C. A. Jessee, departed this life intestate, seized and possessed of two certain tracts of land, lying and being in Lee County, Virginia, in the Pocket Country, on the head waters of Bailey's Trace, and described by meets and bounds in exhibits "A" and "B" herewith filed and prayed to be taken as parts of this bill, leaving surviving him as his heirs at law the following children, to-wit: Mary Witt, (wife of J. B. F. Witt), Alpha Eldridge, (wife of Eldridge), Joseph Jessee, Johnsons Jessee, George Carter Jessee, Nancy Tomlinson, (wife of Robert Tomlinson) and your oratrix Emily Newman, (wife of C. C. Newman), and a widow, Mary C. Jessee; that said widow in the late chancery cause of Flanary & Graham had assigned to her dower, which is shown by meets and bounds in exhibit "C", herewith filed, and prayed to be taken as a part of this bill; that said Alpha Eldridge, in a few minutes after she gave birth to her first born child, departed this life intestate, leaving *and now about eight years old* as her sole heir, a son, James Eldridge, who is yet still living, and who by law inherited the share of his said mother in said two tracts of land; that your orator, the Black Mountain Coal & Coke Company, is the owner by purchase of the shares of said Mary C. Witt, Joseph Jessee and George Carter Jessee and Nancy Tomlinson, thus making it the owner in fee simple of ~~xxx~~ 4/7 undivided interest in said two tracts of land; that your orator J. E. Parsons, is the owner by purchase of the share of said Johnson Jessee in said two tracts of land; that your oratrix, Emily Newman is still the owner of her one-seventh undivided interest in said two tracts of land; that the said two tracts of land, nor any part of them have been divided among those entitled, so that all the parties who are now interested in the same are co-tenants of the same.

Your complainants will further represent that said James Eldridge and Emily Newman are infants under the age of 21 years;

that said real estate is susceptible of partition among those entitled to the same; but they charge that if the same can not be lawfully partitioned among those entitled, then same should be sold, or a partion thereof, and the proceeds of such sale divided among the parties interestd in proportion to their said respective interest; the share of the said infants to be sold under proper orders of your honor as directed by the statutes of this State in such cases made and provided. Should the said two tracts of land not be divisable in kind, complainants believe and here charge that the interests of those entitled to the said real estate will be promoted by a sale of the whole, or at least of the shares of said infants, or by an allotment of part and sale of the residue.

Forasmuch therefore, as your Complainants are remediless in the premises save in a court of equity, they pray that the said James Eldridge be made a prty defendant to this bill of complaint; that a proper guardian ad litem be appointed to answer this bill but he need not do so on oath as that is waived; that proper process issue; that said two tracts of land be divided among the parties entitled as aforesadi thereto in proportion to their respective interests, or else that it be sold and proceeds of sale divided in case it be indivisable in kind, or by an allotment of part and sale of the residue; that the shares of the said Black Mountain Coal & Coke Company be laid off and assigned to it adjoining its other lands; that all proper orders and decrees may be made herein, and that all other, further and general relief as in the premises may be just and right may be awarded. And your Complainants will ever pray, etc.

Bumington Bros. P. Q.

Black Mountain Coal & Coke Co.

)
)
Vs.)

)
)
Bill.)

)
James Eldridge,

Leasies

Leasies

atly

G. A. L.

Estimated

Amounts.

\$ 8.69

15.00

5.00

5.00

5.00

\$ 38.69

13.84

In the Circuit Court for the County of Sh,
to-wit:

THE ANSWER OF

James Eldridge

infant under the age of twenty-one years, by H. K. Hopkins
guardian *ad litem*, assigned to defend him in this suit, to a bill of complaint exhibited against
him and others in the Circuit Court for the County of Sh
Sh, by Black Mountain Coal & Coke Co. and others.

The respondent, reserving to himself the benefit of all just exceptions to the said bill, for
answer thereto, answering by said guardian *ad litem*, says that he is an infant of
tender years, and by reason of such disability and is incapable of understanding, or of
taking care of his rights and interests, he therefore commend the same
to the protection of the court, and prays that no decree may be pronounced which will tend
to his prejudice.

And having answered, the respondent prays to be hence dismissed with his
reasonable costs, in this behalf expended; and he will ever pray, &c.

H. K. Hopkins Guardian *ad litem*.

p. d.

OF

ss.

This day, _____, whose name is signed to
the foregoing answer, personally appeared before me,
and made oath that the statements made therein, so far as they depend upon his own knowl-
edge, are true, and so far as they depend upon knowledge derived from others he believes them
to be true.

Given under my hand, this _____ day of _____ 19____

James E. L. Dridge

adv. }

ANSWER
OF
INFANT DEFENDANT.

B. M. Leal Pluge by
at

Filed in open
Court by leave
this May 22nd 1905
H. J. Emery
Clerk

=====#
 Black Mountain Coal & Coke Co. Plaintiff. #
 Vs. # In Chancery.
 James Eldridge, et al. Defendant. #
 =====#

This cause came on this the _____ day of December, 1909, to be further heard upon the papers formerly read herein and the report of Commissioner E. W. Pennington showing his receipts and disbursements herein, and which report was filed in this cause on the _____ day of December, 1909, and was argued by counsel.

On consideration of all which, and said report being unaccepted to and for reasons appearing to the Court it is adjudged, ordered and decreed that said report of said E. W. Pennington filed in this cause on the _____ day of December, 1909, be and the same is hereby approved and confirmed; and the said E. W. Pennington, as Commissioner as aforesaid in this cause, be and is hereby released from any further liability upon his Bond executed in this cause as Commissioner for the sale of said lands.

And there being nothing further to be done in this cause it is adjudged, ordered and decreed that the same be, and is hereby dismissed and stricken from the docket.

Black Mt. Coal & Coke Co

vs } Deen
Finnel

James Eldredge & Co

Entered in Chancery
O. B. W. 8, page
547.

Enter this
Dec 4 1909
H. C. W. 3111

===== *Black* =====
Black Mountain Coal Land Company, Plaintiff,

Decree.

#

vs.

James Eldridge, et al. , Defendants.
=====

~~To the Hon. H. A. W. Skoon, Judge of the Circuit
Court for Lee County.~~

This cause came on this ~~the~~ day to be further heard upon the bill and proceedings of this cause; the report of *Commissioner*, E. W. Pennington filed herein on the 11, day of September, 1908, and shown that he has made to the Black Mountain Coal Land Company, Incorporated, a deed to the said James Eldridge's one-seventh undivided interest in and to the said two tracts of land mentioned and described in the bill and proceedings of this cause, together with his said deed filed with his said report, and was argued by counsel.

On consideration of all which, it is adjudged, ordered and decreed that said report, and said deed be, and the same are hereby confirmed. And the said Black Mountain Coal Land Company, Incorporated, shall hereafter be invested ^{with} ~~by~~ the ^{fee} simple ^{estate} ~~reason~~ in and to the said land in so far as the rights and interest of the said James Eldridge is concerned; and the said James Eldridge is forever divested of any title in and to said land. And this cause is continued.

Black Mt Coal Leoketa

or Seem

James Eldridge

Entered in OOB
#8, page 392 &c

Enter this

Sept 11, 1908

H. A. W. Sium

===== #
Black Mountain Coal Land Company, Plaintiff, #

vs. # Decree.

James Eldridge , et al., Defendants. #
===== #

~~To the Hon. E. A. W. Skeen, Judge of the Cir-
cuit Court for Lee County.~~

This cause came on this the 8th, day of Sep-
further
tember, 1908, to be heard upon the papers formely read here-
in; the report of Commissioner, E. W. Pennington, filed in
this cause, and dated July, 20, 1908, which report shows that
the Black Mountain Coal Land Company, Incorporated, has fully
paid the purchase price of the lands bought by it; and was
argued by counsel:

On consideration of all which, and for reasons
appearing to the Court it is adjudged, ordered and decreed
that said report, dated July, 20th, 1908, be, and the same
is hereby confirmed. And it appearing from said report that
said Black Mountain Coal Land Company, Incorporated, has fully
paid the purchase price of the land bought by it, it is further
adjudged, ordered and decreed that E. W. Penninton, who is here-
by appointed Special Commissioner for the purpose, will as soon
as practicable make and deliver to the said purchaser a good and
and suficient deed to the said James Eldridge's undivided
one-seventh interest in the said two tracts of land mentioned
and described in the bill and proceedings of this cause, with
covenants of Special warranty. And he will report his action
to the Court. And until the coming in of his report, and
the making of said deed this cause is passed.

Black Mt. Coal & Coke Co

as } owner

James Schridge

Entered in C.B.
#8, page 376 &c

Enter this

Sept 8-1908

H. A. W. Silears

Black Mountain Coal & Coke Company-----Plaintiff.

Vs.

In Chancery.

James Eldridge and others-----Defendant.

This cause came on again this the 17th day of September, 1907, to be further heard upon the papers formerly read therein and the report of Commissioner E. W. Pennington filed therein on this date, showing his receipts and disbursements of the money which has so far come into his hands as such commissioner, and was argued by counsel!

On consideration of all which and said report not being accepted to it is hereby adjudged, ordered and decreed that said report of said Pennington, and his receipts and disbursements be and the same are hereby approved and confirmed. And it appearing to the Court that James Eldridge is an infant and has no guardian appointed for him, and that there is in the hands of the said E. W. Pennington the sum of \$349.33 to which the said James Eldridge is entitled, and the ^{at present} court deeming it for the interest of the said infant to have said money deposited in the Powell's Valley Bank of Jonesville, Virginia, it is thereupon adjudged ordered and decreed that the said E. W. Pennington will deposit said sum of money for the term of six months in said Powell's Valley Bank, taking from said bank a time certificate of the deposits for the same, provided said bank will pay as much as four per cent interest on said sum of money for the time it shall have the same to the credit of the said E. W. Pennington as commissioner in this cause. And when said Pennington shall have deposited said sum of money in said bank, such deposit shall release him from any further liability therefor, and he will report his action to this court. And this cause is continued.

Black Mt. Coal Hooks Co

vs. } owner

James Eldridge et al

Entered in C.O.B.
#8, page 313 ve.

Enter this Sept 17/1903
J. C. S. S. S.

Black Mountain Coal & Coke Co., Inc., Plaintiff,)

Vs.)

Decree.)

James Eldridge, et als,)

Defendants.)

This cause came on again this day to be heard upon the papers formerly read therein, ^{and sale} and the report of Commissioner, E.W. Pennington, filed herein on the 19, day of July, 1906, and was argued by counsel:

On consideration of all which, and it appearing that said report is not excepted to, and that the Black Mountain Coal Land Company Incorporated was the highest and best bidder for the one-seventh undivided interest of said James Eldridge, in the lands mentioned and described in this cause, it is adjudged, ordered and decreed that said report and sale of said interest in said lands be and the same ^{are} ~~is~~ hereby confirmed to the said Black Mountain Coal Land Company, Incorporated, and that said purchaser take and hold the said interest in said land in fee simple, free from any right, claim or interest of the said James Eldridge in and to the same, but subject to the dower rights therein of Mary C. Jessee, the widow of the late C.A. Jessee, deceased. And it is further adjudged, ordered and decreed that said Pennington, Commissioner as aforesaid, will pay out to those entitled the sums of money which he collected as shown in his said report, to those entitled, and also when the deferred payments on said land become due, he will collect the same, and report his action to court. And this cause is continued.

Black Mt. Coal & Coke Company,

Vs.

Decree.

James Eldridge, et als.

Entered in C.O.B.

#8, page 208 ve.

Enter this,

Sept.,

18th

1906.

H C W Dineen

Black Mountain Coal & Coke Company, Incorporated, Plaintiff

vs

James Eldridge et al

Defendants.

This cause came on again this day to be heard upon the papers formerly read therein and the report of commissioners W. E. Thompson, Henry Z. Parsons and William Turner, three of the four commissioners appointed in this cause by an order made on the 22nd day of May, 1905, which report is filed in this cause on the 15th day of May, 1906, and was argued by counsel.

On consideration of all which, and it appearing to the court that the said plaintiff is now the owner of (6/7) six-sevenths of the two tracts of land mentioned and described in said plaintiffs bill, and that the said James Eldridge is the owner of the other (1/7) one-seventh thereof; and it further appearing to the court that the two tracts of land in ^{the} bill and proceedings mentioned is not susceptible of partition, and that it is impracticable to lay off and assign to said James Eldridge the (1/7) one-seventh undivided interest in said two tracts of land, and said report of said commissioners being unaccepted to, it is hereby adjudged ordered and decreed that the said report be, and the same is hereby confirmed.

And it further appearing to the court that the interest of the said James Eldridge in said two tracts of land in ^{the} bill and proceedings mentioned would be promoted by a sale thereof and that the rights of no one would be injured thereby, it is therefore further adjudged, ordered and decreed, that the one-seventh undivided interest of said James Eldridge in and to the two tracts of land mentioned and described in the bill and proceedings in this cause be sold, and the proceeds of such sale paid to the guardian of said James Eldridge, if any he has. And to carry out this decree of sale, it is further adjudged,

ordered and decreed, that E. W. Pennington, who is hereby appointed a special commissioner for the purpose, will after advertising the time, terms and place of sale, ^{by} as many as five written or printed notices posted for at least thirty days, one of which shall be posted at the front door of the court house of this county, another at the front door of the postoffice in the town of Pennington Gap, another in the neighborhood of said lands, and the other notices at such places as said Pennington may deem proper, offer for sale said one-seventh undivided interest of said James Eldridge in said two tracts of ^{land} _^, at the front door of the postoffice in the town of Pennington Gap, at public outcry to the highest and best bidder, He will make such sale on a credit of one and two years time, except a sum sufficient to pay all the commissions of the sale, and one-seventh of the costs of this suit, which he will require to be paid down by the purchaser. For the deferred payments he will take notes payable to himself, bearing interest from date of sale, and with good security payable as aforesaid in one and two years respectively from date of sale. And he will report his action to the court; but before entering upon his duties hereunder, the said E. W. Pennington will execute a bond in a penalty of (\$1000) One Thousand dollars, before the clerk of this court, conditioned as the law requires in such cases. And it is further adjudged, ordered and decreed that the ^{said} _^ plaintiff pay (6/7) six-sevenths of the costs of this suit. And this cause is continued.

Black Mt. Coal & Coke Co

vs } Deener
 } No. 2

James Eldredge et al

Entered in C.O.B.
#8 page 166 etc.

Enter this
May 23-1906
H.A.W. Smith

Black Mountain Coal & Coke Co. et als. Compls.

Vs.

In Chancery

James Eldrdge,deft.

This cause came on this day to be heard upon the bill of the complainants, and exhibits filed therewith, the answer of James Eldrdge, and infant by *M. K. Hopkins* ~~xxxxx~~ his guardian ad litem and who is hereby appointed as such guardian ad litem, and replication thereto, and was argued by counsel.

Upon consideration of which the court doth hereby adjudge, order and decree that the parties to this suit are the owners in fee of the land mentioned in the bill; and it is further adjudged, ordered and decreed that said land be partitioned among the several parties to this suit, and that the said Black Mountain Coal & Coke Co. be given and assigned four-sevenths of the same; and that J. E. Parsons, Emily Newman and James Eldridge be each given and assigned one-seventh; and the commissioners will, if the same can be done without injury to any other in interest lay off and assign to the said Black Mountain Coal & Coke Co. its 4/7 interest together and adjoining its other lands. And for the purpose of making said partition and division, W. E.

Thompson, Henry Z. Parsons, Wm. Turner, and A. J. Witt are each hereby *any three of whom may act and* appointed commissioners, who will as [^] soon as practicable next hereafter perform the duties herein directed; and when they shall have made a partition of said lands, they will return a proper report of their action to this court. And it is further adjudged, order and decreed that if said commissioners shall determine that said property is not susceptible of partition, they shall so report the facts upon which they base their conclusions with reference thereto.

And this cause is continued.

Black Mt local res. to

vs } Order No. 1

James Eldridge

Entered in C. O. B.

No. 8 - page 47.

Enter this

May 22/1908
H. C. W. Allen

Black Mountain Coal & Coke Company

Plaintiff

vs

James Eldridge et al

Defendants.

To the Hon. H.A. W. Skeen, Judge of the Circuit Court for Lee County.

The undersigned, W. E. Thompson, Wm. Turner, and Henry Z. Parsons three of the commissioners, who were appointed by a decree of your honor's court in the above styled cause on the 23rd day of May, 1905, to go upon the lands in the bill and proceedings in said cause mentioned and partition the same among those entitled, by laying off and assigning to said plaintiff four-sevenths, and one-seventh to J.E. Parsons, one-seventh to Emily Newman, and one-seventh to James Eldridge, if the same was susceptible of partition, beg leave to report that they got together on the 14th day of May, 1906, and after going over the situation of said land, its topography, location, the incumbrance of dower on the same and its value and etc.; We were of the opinion that ^{we} ~~said land~~ could not without effecting its value, ^{partition and} assign to said Parsons, Newman and Eldridge each a one-seventh interest in said lands. And further, since said decree was entered in this cause, we are informed and believe our information is true that said plaintiff has bought out and is now the owner of the two interests of said Newman and Parsons in said lands: so that at present said plaintiff now owns six-sevenths of said tract; thus leaving said James Eldridge the owner of his one-seventh interest still.

After looking over said two tracts of land and from our knowledge of the same, we are of the opinion and do so find, that a one-seventh interest in said two tracts of land cannot be conveniently layed off and assigned to said James Eldridge in kind: that being the case we are of the opinion that the

interest of said James Eldridge, who is a small boy only about eight to ten years of age, would be promoted by a sale of his one-seventg undivided interest in said lands, subject to the dower rights of Mary C. Jesse in the same; and so we recommend to the court that ~~they~~ that by proper orders and decrees, it have the same sold at public auction to the highest and best bidder.

All which is respectfully submitted , this the 14th, day of May, 1906.

<u>W.E. Thompson</u>) Commission-	
<u>H.Z. Parsons</u>		
<u>Wm. Turner</u>		ers.

Black Mt Coal & Coke Co
vs } Report
of
Cours.

James Eldridge
Filed May 15th 1906
H.C. Ewing Clk.

H. E. Thompson	\$3.00
H. J. Parsons	1.00
Wm Turner	1.00
	<hr/> 5.00

LAND SALE:

Black Mountain Coal & Coke Company, Plaintiff.)

Vs.)

) In Chancery.

James Eldridge, et als. Defendants.)

To carry out the decree entered in the above styled cause on the 23rd day of May, 1906, now pending in the Circuit Court for Lee County, Virginia, I will pursuant to the direction of said order, proceed at the FRONT DOOR of the POST OFFICE in the town of PENNINGTON GAP, in Lee County, Virginia, on SATURDAY, JULY, 14th, 1906, at about the hour of 11 A.M. of that day, and at public outcry, to the highest and best bidder, to sell, subject to the dower rights therein of Mary C. Jessee, a ONE-SEVENTH ~~(1/11)~~ undivided interest in and two certain tracts or parcels of land, lying and being in Lee County, Virginia, in the Pocket Country, on the head waters of Bailey's Trace, and being the same interest in said land which the mother of the said James Eldridge inherited from her father, C.A. Jessee, and which the said James inherited from his said mother, Alpha Eldridge. And to the title papers of the said C.A. Jessee, reference is here made for a more particular description of said lands in which said interest is to be sold. One tract is said to contain about 123 acres, and the other about 168 acres; but this sale will be by the boundary, and not by the acre.

T E R M S o f S A L E .

The said sale ~~xxxx~~ of said 1/7 undivided interest in said ~~xtwo~~ tracts of land will be made on a credit of one and two years, except a sum sufficient to pay the costs of this suit and the commissions of sale which will be required to be paid down. And for the deferred payments the purchaser will be required to execute notes, bearing interest from date of sale, with good personal security.

This the 4th day of June, 1906.

E. W. Pennington.

Special Commissioner.

Black Mountain Coal & Coke Co., Plaintiff.)

vs.)

In Chancery.)

James Eldridge, et als, Defendants.)

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County:

Your undersigned Special Commissioner, appointed in the above styled cause by your honor's decree on the 23rd day of May, 1906, to sell the lands mentioned and described in said cause, begs leave to report that after advertising the time, terms and place of sale in the manner and at the number of places mentioned in said order for more than thirty days, he did on the 14th day of July, 1906, at the front door of the post office in the town of Pennington Gap, at about the hour of 12 noon of said day offer at public auction to the highest and best bidder the land, that is a one-seventh undivided interest in and to the two tracts of land mentioned and described in said cause, subject to the dower interest of Mary C. Jessee, the widow of C. A. Jessee; and after crying the said sale for some time, and after receiving several bids on the same, the said interest in said two tracts of land was knocked down to the Black Mountain Coal Land Company, Incorporated at the price of \$1265.00. Said Company was the highest and best bidder on said interests in said two tracts of land. Said Company paid down to your Commissioner the sum of \$39.84 which was the Commissions of sale and one-seventh of the costs of said suit, and also said Company paid me the further sum of \$33.16, which was the part of the costs of said plaintiff in said suit. Said Company executed to your Commissioner two note for \$612.58 each, bearing interest from July, 14, 1906, with one N. D. Bachman as surety, and payable in one and two years respectively. Your Commissioner thinks that said James Eldridge's interest in said two tracts of land brought a good round price and he recommends that your honor confirm said sale to said Company.

All which is respectfully submitted. This July, 17, 1906.

E. A. Pennington

Special Comr.

Black Mt. Lake Shoshone

and Report

James Eldredge

Filed July 19, 1906.

H. L. Ewing,
Clerk.

=====#
 Black Mountain Coal ~~Land~~ ^{Co.} Company, Plaintiff, #
 vs. #
 James Eldridge, Et al., Defendants. # Report.
 =====#

To the Hon. H. A. W. Skeen, Judge of the Circuit
 Court for Lee County.

Your undersigned Commissioner, who was appointed
 on the 8th, day of September, 1908, in the above styled
 cause to make and deliver to the Black Mountain Coal Land
 Company, Incorporated, a good and sufficient deed with covenants
 of Special warranty to the one-seventh undivided interest of
 the said James Eldridge in and to the two tracts of land,
 mentioned and described in the bill and proceedings of this
 cause, begs leave to report that in pursuance ~~of~~ to said decree
 he has made said deed and herewith files the same marked
 "X" as a part of this report for the consideration of your
 honor.

All of which is respectfully submitted.

Given under my hand, this the 10, day of
 September, 1908.

E. M. Huntington,
 Commissioner.

Black Mt. Coal & Leakey Co

as { Report of
Dead

James Eldridge

Filed Sept 11,

1908

H. C. J. Ewing,
Clerk.

Black Mountain Coal Land Company, Plaintiff,

vs.

James Eldridge, et al., defendants.

Report.

To the Hon. H. A. W. Skeen, Judge of the Circuit
Court for Lee County.

Your undersigned, Special Commissioner, appointed in the above styled cause by your honors decree on the 23d day of May, 1, 1906, for the purpose of selling the one-seventh undivided interest of James Eldridge in the two tracts of land mentioned and described in said cause, begs leave to report that the said Black Mountain Coal Land Company, Incorporated, the purchaser of the said one-seventh undivided interest in said land has entirely paid the purchase price thereof.

Heretofore as shown in a former report filed in this cause the said Black Mountain Coal Land Company, Incorporated, paid to your Commissioner the sum of (\$649.33) six hundred and forty-nine dollars and thirty-three cents which represents the first installment on the purchase price of said land with interest thereon ~~from~~ to the 14th day of July, 1907. This sum, as directed by your Honor, on the 17th day of September, 1907, was loaned to the Powell's Valley Bank for a term of six months; that on the 27th day of May, 1908, on account of there being no one to whom to pay said sum of money to, your Commissioner reloaned said sum of money to the said Powell's Valley Bank at four (4%) percent, and he now has said bank's certificate of ~~loan~~ ^{loan} for the money, amounting to the sum of (\$667.00) six hundred and sixty-seven dollars.

On the 20th day of July, 1908, said purchaser paid the last installment owing on the said one-seventh undivided interest in said land, which amounted to the sum of (\$686.09) Six hundred and eight-~~six~~ dollars and nine cents. This sum as well as said certificate of said Bank, you Commissioner

holds subject to the order of your Honor, and he will pay it out in such manner as your honor may direct.

The said purchaser of said undivided interest in said land now having entirely paid for the same , it is entitled to a conveyance to the said land, and your Commissioner recommends that a Special Commissioner be appointed for the purpose of making to said purchaser a deed to said one-seventh/ undivided interest in said land.

All of which is respectfully submitted, this the 20th day of July, 1908.

E. H. Pennington,

Black Mt. local black

22. } Report of
Sale

James Eldridge -

Filed Sept. 8th 1908

H. C. J. Ewing,
Clerk

=====)
Black Mountain Coal & Coke Co., Plaintiff.)

Vs)

) In Chancery.
)

James Eldridge, et als. Defendants.)
=====)

To The Hon.H.A.W.Skeen,Judge of the Circuit Court for Lee County:

Your undersigned Commissioner in the above styled cause begs leave to report that pursuant to an order entered therein on the 18th day of September,1906,he has heretfore paid out the \$73.00 mentioned in his said report filed herein on the 19th day of

July,1906,as follows:

1906.	Retained as commissions of sale	\$34.30.
Oct.1	Paid Pennington Bros. Atty Fee taxed	15.00.
"	" W.K.Hopkins,Guard.Ad Litem,	5.00.
"	" H.C.T.Ewing, Clerk his fees,	13.69.
"	" H. Z.Parsons, Comr.	1.00.
"	" W.E.Thompson, "	3.00.
"	" Turner,	
"	" Wm. Thompson, "	1.00.
	Total	\$72.99.

Your Commissioner will further report unto your honor that by said order of Sep.,18,1906,he was directed to collect from the purchaser of the lands sold by him in this cause,the money for which the purchaser executed its notes,as they become due. So one of the notes given for \$612.58 became due on the 14th day of July,1907,and the said Black Mountain Coal Land Company, on the 15th day of July,1907,paid your commissioner that note and its accumulated interest which amounted to the sum of \$649.33 which sum your commissioner holds subject to your honor's order herein. This money goes to said James Eldridge,and he is a boy now only about 10 or 12 years old,and has no duly appointed guardian,nor has your commissioner been able to get any one to qualify as his guardian. So your Commissioner recommends the appointment of such a guradian,and authorized to receive from your commissioner as such guardian,said sum of \$649.33,and also the proceeds of the next note when it is collected.

All which is respectfully submitted. This Sept.14,1907.

E. H. Pennington
Comm.

Black Mt. Coal & Coke Co.,

Report of Receipts
Vs. & Disbursements.

James Eldridge et als.

Filed Sept., 16, 1907.

H. C. D. Ewing
Clerk.

=====#
Black Mountain Coal & Coke Co., Plaintiff, #
Vs. # In Chancery.
James Eldridge, at al. Defendants #
=====#

To the Hon. H. A. W. Skeen, Judge of the Circuit Court
for Lee County.

Your undersigned, who was heretofore appointed a
Special Commissioner for the purpose of selling certain
lands in the bill and proceedings in this cause mentioned,
and also by a previous order directed to collect the purchase
price of the undivided interest of the said James Eldridge
in the lands mentioned in this cause, begs leave to report
that he has collected from the purchaser of the undivided
interest of said James Eldridge in this cause the entire
~~sum~~ amount of the purchase price. That at the time the
purchase was made, the purchaser, which was the Black
Mountain Coal Land Company, Incorporated, paid down a sum
sufficient to pay the costs of this suit and commissions of
sale, which has been paid out by your Commissioner to
those entitled; that since the said purchaser of said un-
divided interest in said land has paid to your Commissioner,
on the 15th day of July, 1907, the sum of (\$649.33) six
hundred, forty-nine dollars and thirty-three cents, which
sum represented the first payment due upon said undivided
interest; that pursuant to a decree entered in this cause on
September, 17th, 1907, your Commissioner ~~paid~~^{loaned} this sum to
the Powell's Valley Bank at four per cent interest; that this
sum of money on the 25th day of September, 1909, amounted to
(\$702.92) seven hundred and two dollars and ninety-two cents,
and which your Commissioner paid on that date to R. L. Pen-
nington, who was heretofore duly appointed the guardian of

the said James Eldridge. That your Commissioner afterwards collected the last installment due from the purchaser of said undivided interest in said land the sum of (\$686.09) six hundred, eighty-six dollars and nine cents; that this sum your Commissioner, on the 24th day of November, 1909, also paid to the said R. E. Pennington, Guardian of said James Eldridge, and for the two payments above referred to your Commissioner holds said R. L. Pennington's receipt for the ~~same~~.
same.

Now your Commissioner, having, as set out herein, received and disbursed the whole of the purchase price of said undivided interest in said land, and there being nothing farther to be done in this cause, he prays that your Honor confirm this report and by proper order release him of further liability upon his official bond in this cause. All of which is respectfully submitted this the 25th day of November, 1909.

E. H. Pennington Commissioner

Black Mt Coal Shales

Report of
Receipts &
Disbursements

James Eldredge et al

Filed Dec 6, 1909

H. C. J. Ewing
Clerk.

"Le"

May 19th, 1905.

Judge E. W. Pennington,
Jonesville, Virginia.

Dear Sir:

Yours of the 17th inst., relative to the assignment of
dower to Mary C. Jessee, was duly received.

The abstract of this title was made before my connection
with the Company, and hence I know nothing of the matter, except
what I am able to find the abstracts.

I find that in the suit entitled Flanary and Graham, et al.
v. F. B. Jessee, Admr., et al., by decree No. 1, entered in C. O. B.
_____, p. 218, September 3rd, 1889, E. G. Garrison, J. B. Kirk,
H. M. Harbor, Samuel Carter and L. M. Carmical were appointed
Commissioners to assign dower, and by report dated March 31st,
1890, they assign 99-1/2 acres, bounded as follows, to-wit:

BEGINNING at a maple and chestnut on top of a ridge,
corner to Jas. Field's land, originally Martha Pennington; thence,
with original line, S 34-1/2 W 51-3/4 poles to a (B) chestnut stump
on the East side of a branch; thence continuing with the original West
line, N 49 W 84 poles to (C) a stake on top of a ridge and about 3
feet West of a chestnut oak pointer; thence with top of ridge and
with a line of James Johnsons, N 8-1/4 E 17-1/2 poles; N 35-1/2 E
53-3/4 poles; N 4-1/4 E 36 poles; N 15-1/4 E 15-1/4 poles; N 11 25 W
38-3/4 poles to a stake by a large cliff; N 13-1/2 W 12-1/2 poles;
N 39-1/2 W 8-1/2 poles to a (D) water oak on top of said ridge; thence
leaving said ridge, N 61-1/2 E 56 poles to a (E) lynn and rock on a
branch; thence down a branch as it meanders, S 23 E 71-1/4; S 12-1/2
E 50-1/2 poles; S 6-1/4 W 30-44/100 poles; S 30-1/2 W 34-96/100 poles;
S 25-1/2 W 17-1/2 poles; S 38 E 18-12/100 poles to the (A) first stat
station or beginning.

I hope this information may be of some value to you.

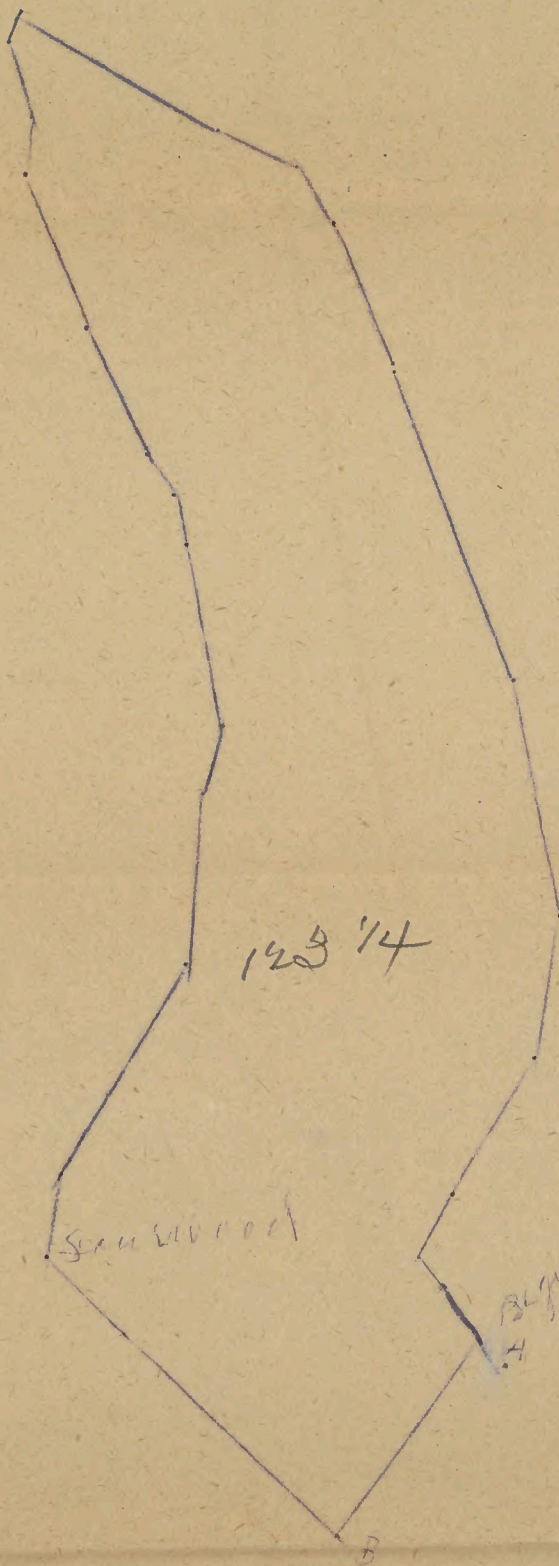
Yours very truly,

Paul Dulaney

Copy to Pennington Gap.

pd

*I have no record of any recordation of the
Commissioner's Report. P.D.*



C. A. JESSIE

East Tract

CARBON COPY

"a"

Meets and Bounds of the C.A. Jesse, East tract on Jack's Branch.

BEGINNING at a maple & Chestnut, the original corner,

S.34 1/2 W. 854 feet to a chestnut stump;
N.47 W.1386 feet to a sour wood, -Parsons' & Johnston's corner;
N.8 1/4 E.289 feet, to a stake; N.30 1/2 E. 858 feet to a stake;
N. 4 1/2 E. 594 feet to a stake; N.15 1/2 E.247 feet to a stake;
N.11 1/4 W.640 feet to a stake by a cliff; N.13 1/2 W.190 feet to a stake
N.39 1/2 W.165 feet to a stake above a water oak;
N.25 W.561 feet to a stake;
N.23 W.577 feet to a black oak, corner to Wax;
N.4 1/2 E.221 feet to chestnut;
N.13 W.264 feet to a chestnut & Flat rock on top of the mountain;
N.22 E.99 feet to chestnut and oak locust;
S.61 E. 817 feet to a stake; S.66 1/2 E. 310 feet to a stake;
S.35 E.231 feet to a stake; S.25 1/2 E. 511 feet to a stake;
S.23 E. 29 feet to a Lynn & Rock; S.23 E.1147 feet to a stake;
S.12 1/2 E. 825 feet to a stake; S.10 1/4 W. 504 feet to a stake;
S. 30 1/2 W. 577 feet to a stake;
S.25 1/2 W. 289 feet to a stake; and S.38 E 299 feet to the BEGINNING.

Containing 123 1/4 acres more or less.



G.A. JESSEE. West Tract

CARBON COPY

"B"

Meets and bounds of the C.A. Jesse West Tract.

BEGINNING at a beech & Wahoo at the forks of Trace Branch,
S.72 W.209 feet to stake in a branch; South 74 feet Stake in a branch;
N.83 W.191 feet to a stake in branch; N.49 W.165 feet to a stake "
N.88 W. 231 ft. to a stake; N S.50 W.215 ft. to a stake;
S.69 1/2 W. 429 feet to a stake; S.75 1/4 W.412 ft. to a stake;
N.82 3/4 W. 436 feet to a stake; S.84 W.132 feet to a stake;
N.81 W.677 feet to a stake; S.75 W.478 ft. to a buckeye, corner to W.H. John, ^{ston.}
N.43 1/2 W.487 feet to a stake; N.44 3/4 W.145 ft. to a hickory;
N.54 3/4 W.309 ft. to a rock & Water oak; N.50 W.400 ft. to a hickory;
N.38 1/4 1/4 W.430 ft. to a hickory on top of Mountain;
N.72 1/2 E.214 ft. to a chestnut oak; N.55 E.220 ft. to double maple & Red ^{oak}
N.41 E.99 ft. to a stake; N.65 1/2 E.222 ft. to two small black oaks;
N.82 E.115 ft. to hickory pointers; N.74 E.339 ft. to a stake; ^{chestnut oak:}
N.80 1/4 E.238 feet to Chestnut near rock; N.56 E.192 ft. to Hickory &
N.74 E.220 ft. to hickory; N.50 E.149 ft. to a stake;
N.68 E.280 to stake near hickory; N.58 E.231 ft. to hickory and red oak;
N.41 E.297 ft. to a hickory and white oak on high point;
S.62 1/2 E.284 ft. to Stake; S.75 E.140 ft. to two gums;
S.35 1/2 E.88 ft. to stake near chestnut oak; S.64 E.225 ft. to red oak, ^{below a cliff;}
S.49 E.181 ft. to stake; S.54 1/2 E.271 ft. to a large chestnut;
S.70 1/2 E.264 ft. to two locusts, newly marked; S.70 1/2 E.396 ft. to locust, ^{and chestnut pointers;}
S.43 3/4 E.477 ft. to a chestnut oak; S.39 E.231 ft. to stake;
S.25 E.226 ft. to two beeches and maple;
S. 24 E.330 ft. to beech and service; S.12 W.165 ft. to the BEGINNING;
and containing 168.45 acres, more or less.

Block Mt Coal
& Coke Co.

2-1-1900



Oct. 1st 1906

Received from E. H. Pennington
Leont, Shurtum & Co - - Dollars.

my fees for Re. Black Mt. Coal & Coke Co
vs. James Eldredge et al

\$13.69

H. C. P. Ewing, Clerk,



Oct. 19th 1906

Received from E. H. Pennington Cash
Three & ^{no}/₁₀₀ — — — Dollars.
for my fee in Re Black Mt. Coal
& the Co vs. James Eldridge et al

\$3⁰⁰

W. E. Thompson



Oct. 1st 1906
Received from E. H. Pennington
Cash Five ⁴⁰/₁₀₀ — — Dollars.

G. A. G. for the Re-Black Mt. Coal & Coke Co
vs. Jas. Eldredge & Co

\$5⁰⁰/₁₀₀

W. H. Hopkins

Black Mt. Coal v. Lehigh

vs } Bir

James Eddredge